



DOUGLAS A. DUCEY  
GOVERNOR

STATE OF ARIZONA  
OFFICE OF THE GOVERNOR

EXECUTIVE OFFICE

March 22, 2017

The Honorable Michele Reagan  
Secretary of State  
1700 W. Washington, 7<sup>th</sup> Floor  
Phoenix, AZ 85007

Dear Secretary Reagan:

I am transmitting to you the following bills from the Fifty-third Legislature, 1<sup>st</sup> Regular Session, which I signed on March 22, 2017:

S.B. 1091 – nuclear emergency appropriations; assessments  
S.B. 1211 – ADOT omnibus  
H.B. 2092 – wulfenite; state mineral  
H.B. 2326 – fire districts; creation; merger; consolidation  
H.B. 2371 – oversize commercial vehicles; local authority  
H.B. 2483 – motor vehicle dealers; title information  
H.B. 2536 – appointment; ombudsman-citizens aide

Sincerely,

Douglas A. Ducey  
Governor  
State of Arizona

cc: Senate Secretary  
Chief Clerk of the House of Representatives  
Arizona News Service

Senate Engrossed

**FILED**

**MICHELE REAGAN**  
**SECRETARY OF STATE**

State of Arizona  
Senate  
Fifty-third Legislature  
First Regular Session  
2017

CHAPTER 43  
**SENATE BILL 1091**

AN ACT

AMENDING SECTIONS 26-306.01 AND 26-306.02, ARIZONA REVISED STATUTES;  
APPROPRIATING MONIES; RELATING TO THE NUCLEAR EMERGENCY MANAGEMENT FUND.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 26-306.01, Arizona Revised Statutes, is amended  
3 to read:

4 26-306.01. Assessment on commercial nuclear generating  
5 stations

6 A. The legislature shall levy an assessment pursuant to subsection  
7 D of this section to provide for the development and maintenance of a  
8 state plan for off-site response to an emergency caused by an accident at  
9 a commercial nuclear generating station and to provide for the equipment,  
10 personnel, facilities, training and testing necessary to comply with  
11 criteria for preparation and evaluation of radiological emergency response  
12 plans and preparedness in support of commercial nuclear generating  
13 stations prescribed by the United States nuclear regulatory commission and  
14 the federal emergency management agency.

15 B. Before October 31 in each ~~even-numbered~~ EVEN-NUMBERED year, the  
16 director shall recommend to the legislature an amount necessary to  
17 develop, maintain and support the state plan.

18 C. The legislature shall appropriate for each of the following two  
19 fiscal years the amount necessary to develop, maintain and support the  
20 state plan, after hearing the recommendation under subsection B of this  
21 section. The monies shall be appropriated ~~to~~ FROM the nuclear emergency  
22 management fund established by section 26-306.02.

23 D. Every two years an assessment for each of the two years of the  
24 biennium is levied against each consortium of public service corporations  
25 and municipal corporations engaged in constructing or operating a  
26 commercial nuclear generating station for the purpose of developing,  
27 maintaining and supporting the state plan. The assessment shall be in an  
28 amount equal to the appropriations provided ~~by~~ PURSUANT TO subsection C of  
29 this section, plus interest at a rate of ten ~~per cent~~ PERCENT per ~~annum~~  
30 YEAR, and shall be contained in the same ~~appropriation~~ APPROPRIATIONS bill  
31 provided by subsection C of this section. Interest shall be charged on  
32 any amounts that are appropriated pursuant to subsection C of this  
33 section, and that have not been repaid, from the date the appropriation  
34 becomes available for expenditure until payment is received. The  
35 assessment for each year of the biennium shall be collected by the  
36 department of revenue. Monies collected from the levy shall be deposited  
37 in the ~~state general fund~~ NUCLEAR EMERGENCY MANAGEMENT FUND ESTABLISHED BY  
38 SECTION 26-306.02.

39 E. If a consortium fails or refuses to pay its assessment within  
40 the year for which the assessment is made, the legislature may direct the  
41 director to notify the United States nuclear regulatory commission, or its  
42 successor in licensing commercial nuclear generating stations, of this  
43 state's incapacity to support an off-site emergency response plan for the  
44 commercial nuclear generating station.

1       Sec. 2. Section 26-306.02, Arizona Revised Statutes, is amended to  
2 read:

3       26-306.02. Nuclear emergency management fund; exemption;  
4               appropriation reduction

5       A. ~~★~~ THE nuclear emergency management fund is established  
6 consisting of monies appropriated under section 26-306.01, ~~subsection c.~~  
7 The division shall use the fund for administering and enforcing the state  
8 plan for off-site response to an emergency caused by an accident at a  
9 commercial nuclear generating station.

10       B. Monies in the fund are appropriated for use by the division as  
11 provided in this section. Monies deposited in the fund are exempt from  
12 section 35-190 relating to lapsing of appropriations, except that any  
13 monies remaining unexpended and unencumbered at the end of each fiscal  
14 year from the distributions made from the fund to the division of  
15 emergency management of the department of emergency and military affairs  
16 ~~to~~, THE ARIZONA DEPARTMENT OF AGRICULTURE AND the radiation regulatory  
17 agency and FOR DISBURSEMENTS to departments and agencies of Maricopa  
18 county revert to the nuclear emergency management fund and shall be used  
19 to reduce the assessment and appropriation to the fund for the following  
20 fiscal years. The reduction in the appropriation for each applicable  
21 agency shall be equal to the amount of monies reverted to the fund by each  
22 agency.

23       Sec. 3. Appropriations; nuclear emergency management fund

24       Pursuant to sections 26-306.01 and 26-306.02, Arizona Revised  
25 Statutes, as amended by this act, the sum of \$2,503,140 in fiscal year  
26 2017-2018 and the sum of \$2,526,277 in fiscal year 2018-2019 are  
27 appropriated from the nuclear emergency management fund to the following  
28 agencies and for the following purposes:

29       1. For use by the division of emergency management of the  
30 department of emergency and military affairs as provided in section  
31 26-306.02, Arizona Revised Statutes, as amended by this act, the sum of  
32 \$665,512 and 5.5 full-time equivalent positions in fiscal year 2017-2018  
33 and the sum of \$696,449 and 5.5 full-time equivalent positions in fiscal  
34 year 2018-2019.

35       2. For use by the Arizona department of agriculture for programs  
36 relating to off-site nuclear emergency response plans, the sum of \$275,012  
37 and 2.88 full-time equivalent positions in fiscal year 2017-2018 and the  
38 sum of \$275,012 and 2.88 full-time equivalent positions in fiscal year  
39 2018-2019.

40       3. For use by the radiation regulatory agency for programs relating  
41 to off-site nuclear emergency response plans, the sum of \$789,663 and 5.5  
42 full-time equivalent positions in fiscal year 2017-2018 and the sum of  
43 \$789,663 and 5.5 full-time equivalent positions in fiscal year 2018-2019.



1        4. For disbursement by the division of emergency management of the  
2 department of emergency and military affairs to departments and agencies  
3 of Maricopa county that are assigned responsibilities under the off-site  
4 nuclear emergency response plan, the sum of \$702,953 in fiscal year  
5 2017-2018 and the sum of \$695,153 in fiscal year 2018-2019.

6        5. For disbursement by the division of emergency management of the  
7 department of emergency and military affairs to departments and agencies  
8 of the town of Buckeye that are assigned responsibilities under the  
9 off-site nuclear emergency response plan, the sum of \$70,000 in fiscal  
10 year 2017-2018 and the sum of \$70,000 in fiscal year 2018-2019.

11        Sec. 4. Assessments: purpose

12        Pursuant to section 26-306.01, Arizona Revised Statutes, as amended  
13 by this act, the sum of \$2,503,140 in fiscal year 2017-2018 and the sum of  
14 \$2,526,277 in fiscal year 2018-2019, plus any applicable interest, are  
15 assessed against each consortium of public service corporations and  
16 municipal corporations engaged in constructing or operating a commercial  
17 nuclear generating station in this state.

18        Sec. 5. Emergency

19        This act is an emergency measure that is necessary to preserve the  
20 public peace, health or safety and is operative immediately as provided by  
21 law.

**APPROVED BY THE GOVERNOR MARCH 22, 2017.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 22, 2017.**

Passed the House March 20, 20 17,

Passed the Senate February 2, 20 17,

by the following vote: 57 Ayes,

by the following vote: 30 Ayes,

0 Nays, 3 Not Voting

0 Nays, 0 Not Voting

With Emergency  
H. R. Drake  
Speaker of the House  
Pro Tempore  
Jim Drake  
Chief Clerk of the House

With Emergency  
Tom R. VandenBrink  
President of the Senate  
Susan Owens  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

21<sup>st</sup> day of March, 20 17,

at 1:50 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 22nd day of

March, 20 17,

at 11:42 o'clock A. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 22 day of March, 20 17,

at 2:03 o'clock P. M.

Michelle Reagan  
Secretary of State

S.B. 1091